

monitoring real time; [and]

displaying a plurality of modified visual elements in response to said real time

being a predetermined time, said plurality of modified visual elements

having a theme that is indicative of a commonly known societal event that

is associated with said predetermined time; and

randomly selecting one of a plurality of outcomes of said gaming machine in

response to a wager amount.

#### **REMARKS**

Claims 1-39, 46-55 and 87-93 remain in the application for prosecution. Claims 40-45 and 56-86 have been cancelled. Claim 46 has been amended. Submitted herewith is a clean set of pending claims. The Applicant confirms that the inventorship for the remaining claims has not changed.

The Applicant's representative appreciates the telephone conference with the Examiner on April 26, 2002, in which the grouping of claims was discussed. No final decision was reached on the merits of the restriction requirement.

The Applicant provisionally elects the invention of Group II, which includes claims 26-39 and 46-55. The Applicant makes this election, however, with traverse. It is the Applicant's belief that the claims of Group I, claims 1-25 and 87-93, should be grouped with the claims of Group II. Independent claims 26 and 46 are generically directed to the concept of selecting visual elements on a gaming machine in response to the real time being a predetermined time, such as a commonly known societal event (e.g., Halloween). Independent claim 1 is, in essence, a species of at least independent claim 26 in that independent claim 1 calls for selecting visual elements in both the basic game and the bonus game on the gaming machine in response to the

real time being a predetermined time. Because of this relationship, the different classifications and the different types of searches are not believed to be as pronounced, as suggested in the restriction requirement.

As such, the Applicant respectfully requests that the Examiner combine Groups I and II, or at least add claims 1-25 into Group II, which has been provisionally elected.

The claims of Groups III-V (40-45 and 56-86) have been cancelled and these claims may be pursued in continuing applications.

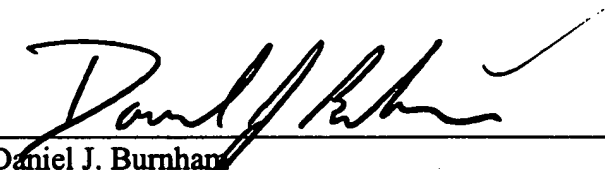
### **Conclusion**

The Applicant believes the claims are allowable over the prior art of record and are in condition for allowance.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicant's undersigned attorney at the number indicated.

Respectfully submitted,

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